

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA,
Plaintiff

vs.

JOSE R. ROMAN-ACOSTA,
Defendant

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Criminal No. 97-0178-001 (PG)

MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
AND REQUEST FOR THE ISSUANCE OF AN ARREST WARRANT

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ,
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Jeffrey Semidey, United States Probation Officer of this Court, respectfully presenting an official report on the conduct and attitude of the offender, José R. Román-Acosta, who on July 1, 2004, was sentenced by your honor to ten (10) months of imprisonment after his original supervision term was revoked based on his relapse to the use of drugs. The Court also imposed a two (2) year supervised release term. As special conditions he was ordered to participate of drug treatment and submit to random urinalysis. On April 21, 2005, he was released from prison at which time his supervised release term commenced with an expiration date of April 4, 2007.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since his release from custody, the offender has violated the following conditions of his supervised release term:

1. STANDARD CONDITION NO.: 2- "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

Mr. Román-Acosta has been absconded from supervision since December 2006. Several attempts have been made to contact him with no success. He has failed to submit November, December 2006, January, and February 2007 Monthly Supervision Reports.

2. STANDARD CONDITION NO.: 7- "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

On December 18, 2005, the offender telephoned this officer to inform of his new residence address. He also informed that he reverted to the use of heroin. He was referred to Intercultural Counseling to commence buprenorphine treatment. The treatment program is located in his same town. However, he never contacted the treatment program.

3. SPECIAL CONDITION: "THE OFFENDER SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED BY THE PROBATION OFFICE AND SHALL SUBMIT TO LABORATORY TESTING WITHIN FIFTEEN (15) DAYS OF RELEASE; THEREAFTER, SUBMIT TO RANDOM DRUG TEST, NOT TO EXCEED 104 SAMPLES PER YEAR IN ACCORDANCE WITH THE DRUG AFTERCARE PROGRAM POLICY OF THE U.S. PROBATION OFFICE APPROVED BY THIS COURT. IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A DRUG TREATMENT PROGRAM (IN-PATIENT OR OUT-PATIENT) IN ACCORDANCE WITH SUCH POLICY."

Mr. Román-Acosta failed to report to treatment on November 3, 7, 2005, entire month of April, July 31, the entire month of August, September 25, 29, October 31, and the entire month of November 2006. Furthermore, he was referred to another treatment facility closer to his residence which he failed to report. Mr. Román-Acosta has also failed to report for random urine collection on July 12, August 8, September 6, 21, December 20, 28, 2005, January 23, February 6, 17, 23, March 7, 17, July 20, 2006.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct, and in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested that a warrant for the offender's arrest be issued so that he may be brought before this Honorable Court to show cause why his supervision term should not be revoked. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 6th day of March 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on March 6, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José A. Ruiz-Santiago, Assistant U.S. Attorney and to Carlos A. Vazquez, First Assistant Federal Public Defender

In San Juan, Puerto Rico, this 6th day of March 2007.

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